

Examination of Hyndburn's Development Management Development Plan Document (DM DPD)

Council's Response to Inspector's Matters, Issues and Questions (MIQs)

Matter 8: Accessibility and Transport

Issue 8a: Does policy DM32 take sufficient account of sites that may require future occupants to travel but where there is evidence to suggest that the location is or can be made accessible via modes of sustainable transport?

- 49. Is the requirement in DM32 2 to locate development proposals where the need to travel will be minimised justified and consistent with national policy? How would sites that are accessible via a wide range of public transport services be dealt with under the policy?**

Paragraph 17 of the NPPF sets out the Government's 12 planning principles, one of which is to '*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*'. Paragraph 37 goes on to say that '*planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities*'. Paragraph 2 of Policy DM32 responds to these requirements set out in the NPPF and seeks to integrate the policy objective directly into the Local Plan for Hyndburn. It is therefore justified and consistent with national policy.

Sites that are accessible via a wide range of public transport services will be positively supported under Policy DM32 (as well as by other policies in the plan such as Policy BD1: The Balanced Development Strategy of the Core Strategy¹). Paragraph 1 of DM32 clearly identifies public transport as being a preferred mode of transport within the street user hierarchy and states that '*all development proposals will be required to actively encourage sustainable travel*'. Proposals with access to a wide range of public transport will naturally be considered more sustainable from a transport point of view. However other sustainability factors will also be taken into account in both the determination of planning applications on unallocated sites, and in the site selection process for the forthcoming Site Allocations DPD.

Issue 8b: Proposed modification to policy DM33

¹ Paragraph i) of Core Strategy Policy BD1 states that '*the LDF will promote balanced communities where everyone has easy access to a range of services and facilities*'

50. The Council has proposed modifications to policy DM33. Specifically, the insertion of an additional criteria to 4b relating to infrastructure owned or managed by the Canal and River Trust. Also the replacement of the word 'will' with 'may' in paragraph 1 and additional text to clarify the meaning of 'appropriate contributions'. Would these changes be main or additional modifications? Would the modifications affect the soundness of the plan?

The Council considers all the proposed modifications to Policy DM33 to be additional modifications as, for the reasons set out below, they do not materially alter the policy or plan:

- Insertion of additional criteria to 4b – the inclusion of part 4c is to provide clarity that the Council will work with the Canal and River Trust (the Trust) to ensure that any impacts of development should be minimised on all Trust infrastructure (either owned for or managed by the Trust). The previous policy wording did not make this clear enough, as it was focused primarily on the canal infrastructure only. The Trust is a statutory consultee and the Council therefore has a statutory duty to consult on development likely to affect these matters. This is set out in Schedule 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. Inclusion of this point within the policy is simply clarifying this matter upfront for applicants.
- Replacement of 'will' with 'may' in paragraph 1 – the proposed change is in recognition that mitigation measures in relation to sustainable transport infrastructure may not always be necessary. In addition, even in the event that an infrastructure provider may request specific works or infrastructure, discretion is with the decision maker as to whether this is required to be met as part of the granting of planning permission. In this context the Council believes that the word 'will' is too strong and 'may' is considered to be a more appropriate and flexible term. This also follows the flexible approach to viability considerations that are adopted throughout the DM DPD and in the NPPF.
- Additional text to clarify 'appropriate contributions' – the Council proposes adding further text into footnote 112 to clarify the term 'appropriate'. The proposed modification simply repeats the tests for planning conditions and obligations set out in paragraph 204 of the NPPF to help provide up front clarity to applicants.

The Council believes that each of the modifications proposed above will serve to improve the soundness of the plan as they will all ensure a greater consistency with national policy.